

Commissioners
Marisel A. Hernandez, *Chairwoman*
William J. Kresse, *Commissioner/Secretary*
Jonathan T. Swain, *Commissioner*
Lance Gough, *Executive Director*



Board of Election Commissioners for the City of Chicago
Minutes of the
Regular Board Meeting
June 12, 2018, 9:30 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Charles Holiday, Assistant Executive Director [absent]
James P. Allen, Communications Director
Lorel Blameuser, Purchasing Agent
Gary Ryczyn, Consultant
Trupti Patel
Trish Sheehy
Geneva Morris, Videographer

Guests:

Helene Gabelnick, League of Women Voters (LWV) Chicago
Sandy Hed, Election Works
Geoff Ryan, ES&S
Sue Casey, ES&S
Tracey Hartlieb, EFE – Equip for Equality – VAC (Voting Access Chicago)
Val Miller, Pitney Bowes
Ted Towey, Canon
Casimiro Peña, Chicago Votes
Joseph A. Morris, Morris & De La Rosa

- I. Call to Order: The Chairwoman called the meeting to order at 9:41 a.m.
- II. Roll Call: All members were present
- III. Consideration of Agenda: The agenda was accepted as presented.
- IV. Approval of Minutes:
 - A. April 10, 2018 – Regular Board Meeting: Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of April 10, 2018.
Commissioner Kresse seconded the motion. The Minutes of April 10, 2018 were

69 West Washington Street, Suites 600/800, Chicago IL 60602 • 1.312.269.7900 • fax 1.312.263.3649 • TTY 1.312.269.0027
chicagoelections.com • email: cboe@chicagoelections.net

approved by a vote of 3:0 of the Board

B. April 24, 2018 – Regular Board Meeting: Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of April 24, 2018. Commissioner Kresse seconded the motion. The Minutes of April 24, 2018 were approved by a vote of 3:0 of the Board

C. May 22, 2018 – Regular Board Meeting: Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of April 10, 2018. Commissioner Kresse seconded the motion. The Minutes of April 10, 2018 were approved by unanimous vote of the Board

V. Executive Director's Report

- Mr. Lance Gough reported that on June 6th the Chicago Board of Elections had a meeting with the Illinois State Board of Elections (ISBE) and Equip for Equality (EFE). He pointed out that with all of the work we have done on polling place accessibility in Chicago, the ISBE would like EFE, the ISBE and the Chicago Board of Elections to work as a group. Mr. Gough then introduced Tracy Hartlieb of Equip for Equality to explain further explain. Ms. Hartlieb gave the following report:

- Equip for Equality had good meeting with Mr. Gough and with representatives of the Illinois State Board of Elections who were both in Springfield and Chicago (some joined via video conference).

EFE explained what EFE and the Chicago Board have done in Chicago regarding providing accessibility. The ISBE expressed interest in working with the Chicago Board and EFE to help make polling sites throughout the state more accessible. The U.S. Department of Justice (DoJ) is happy to work with the State as well.

ISBE is very interested in the survey that was used in Chicago. It is yet to be determined if it would be used in electronic form or paper form, but they are very interested in implementing it throughout the state to the ISBE would be using the model that was used with the Chicago Board of Elections.

- Ms. Hartlieb then gave a status report on other matters regarding EFE and the Chicago Board.
- EFE has finished its review of all of its polling place accessibility surveys, conducted by approximately 160 staff and volunteers during the March 2018 election. It was determined that EFE will have to go back to some sites to clarify some of the responses.
- EFE will be working with DOJ and the Chicago Board to determine the remedies necessary to make a polling place fully accessible. The focus is on permanent remedies at polling places.
- Next week EFE is going to the National Disability Rights Networks' annual conference in Baltimore. One of the focuses of that meeting is on accessibility to the polls. Executive Director Gough will be attending, as well as representatives

of the Election Assistance Commission (EAC). Executive Director Gough and EFE representatives will be meeting with members of the EAC to discuss what we are doing in Chicago.

- Commissioner Swain inquired as to the percentage of the polling places that will need permanent changes. Ms. Hartlieb stated that she will review the data and get back to the Board, probably at the next meeting, but ventured to say that most of those surveyed may need some work, but deferred on a full answer. Mr. Gough interjected to say that some of these permanent changes involve changing the permanent disabled parking signs at some polling places to signs that say “van accessible”. For now, the Chicago Board will put up temporary compliant signs until the City updates the permanent signs.
- The Chairwoman stated that with all the City-owned and third-party owned polling place locations, the Board would have to work with them and with the City. Mr. Gough said that that is what we are doing. The Board will be meeting with the heads of all of the City departments and agencies with whom we have most of our polling places (e.g., Park District, Libraries, Public Schools, Fleet and Facility Management).

General Counsel Lasker stated that the DOJ is working on a letter to the various City agencies explaining that these permanent changes should have been met years ago and that it is the DOJ, and not just the Chicago Board of Elections, asking for this.

Ms. Hartlieb pointed out that both EFE and the DOJ will be at the meeting that the Board is having with the City agencies.

Commissioner Swain stated that it strikes him that, depending on the answer to his earlier question, this would be more reason to push for vote centers and things of that nature. In fact, that was the impetus of his earlier question. Mr. Gough stated that we have spoken with people in Springfield about vote centers, but no one has moved to do anything. Commissioner Swain said that the more facts we have to drive this conversation, the better.

- Commissioner Kresse said that he was impressed by the level of cooperation and the level of energy exhibited by the Chicago Board, EFE and the DOJ on this initiative, and the fact that it may generate improvements at both the State and national level is very heartening.
- The Chairwoman thanked Ms. Hartlieb and Mr. Gough stating that if it weren't for them the state might not have begun working toward the accessibility initiative.
- Mr. Gough continued with the Executive Director's report.
- We are getting ready for 2019 elections. Even though we haven't finished the 2018 elections, we are beginning to prepare the 2019 database.

A. Assistant Executive Director (Charles Holiday) [absent]

- Mr. Gough said that Assistant Executive Director Charles Holiday will be in later and that he has an excused absence.

B. Communications Director (Jim Allen)

- Communications Director Allen reported that he is currently working on contract specifications for printing signs, forms, envelopes, hybrid documents and "I voted" wristbands. He is working with Purchasing Agent Blameuser to finalize all of the specifications. This contract will cover November and the February and April Municipal elections.
- He is also preparing preliminary budget documents with Deputy Chief Administrative Officer Peso for the Budget Committee of the City Council.
- We have a bid opening this week on the 14th for the canvass mailing which is designed to clean up the voter rolls before the 2018 and 2019 elections. Because of time constraints, if the winner of the bid is an apparent winner, Mr. Allen asked if he would be able poll the Board in advance of the next meeting for the purpose of advancing a purchase order so that we can order the needed paper. The market for paper has changed dramatically over the last year such that we have to order paper much farther in advance. In the past we only needed a 28 day advance order, now we may need 3 months depending on the type of stock. The Chairwoman inquired as to the change. Mr. Allen said because there are fewer mills and some of the manufacturers may decide to make the necessary card stock only every other month.

Mr. Gough added that many of the mills have shut their doors. In the next election we may need 2 ballots, so we may need to order that paper soon.

- Since our last meeting we had a joint public hearing with the ISBE on Automatic Voter Registration (AVR). The Chairwoman provided remarks at that meeting. It went well for ISBE and the Chicago Board. This was easily the best attended of the State's public hearings on AVR. There were about 65-80 people at the meeting which was conducted in our lower level conference room. It was also the only AVR public hearing that was videotaped, and we posted it on the Chicago Board's YouTube channel.
- Commissioner Swain asked Mr. Allen, based on his statements about paper order lead times, about our contingency plan if a court orders us to put names back on a ballot after it has been printed. Mr. Allen said that there are a couple of concerns. For example, you don't want to order so much paper that by the time you use it the condition of the paper has changed. However, the good news is that for the paper stock used with the ballot scanner, we can order enough for a contingency for both the November and February elections because we have the April election to fall back on. As for elections after that, Mr. Allen responded that ideally by 2020 we will have a different voting system where basically you are printing ballots as you go.

Commissioner Kresse added that the new systems being considered would print ballots on standard stock paper. The paper issue will only get worse with the current system because mills are cutting back on their inventories.

Mr. Gough pointed out that it's not just the inventories being reduced, but the heavy stock paper is just not being manufactured. Mr. Gough said that he and Mr. Ryczyn are trying to make sure that we have enough paper for the next few elections.

VI. Old Business

A. Infrastructure Projects and Changes in Election Administration coupled with voting equipment: Mr. Gough said that he is speaking with staff about what we need to do to get this going forward.

B. Electronic Poll Books: Mr. Gough pointed out that Mr. Holiday would normally give a report on this, but in his absence Mr. Gough called upon the e-poll book vendor ES&S' representative Sue Casey to report. Ms. Casey reported that that everything is going well with the electronic poll books.

C. Voting Equipment (see section VI (A) above)

D. Legislation:

- o General Counsel Adam Lasker reported that the "pretrial detainees" bill has passed both houses and has been sent to the Governor. Mr. Lasker was uncertain as to whether the Governor has signed it. Mr. Lasker has been in discussion with our Supervisor of Vote by Mail, Mr. Steve Cieslicki, on how we can facilitate this law if the bill becomes law.

Mr. Lasker and Mr. Gough have had discussions on a proposed bill to have schools closed on Election Day. It's been held up in committee and hasn't had any action since April.

Mr. Lasker added a new bill to our watch list. There was a news report last week regarding a citywide referendum for a mayoral term limit to be placed on the ballot for this November. Relative to that, Mr. Lasker has learned that there is a bill in House (HB5698) regarding term limit referenda or ordinances. Mr. Lasker will monitor this legislation.

- o With the exception of the bill regarding the spending of HAVA funds, there has not been any action on the other bills that we are watching.
- o The HAVA funds bill has passed, but it has not been signed. The bill would direct half of the HAVA funds that the State has just received to create a system where security experts would travel to all 108 of the state's Election Authorities and work with them on cybersecurity. We will monitor to see if the Governor signs that bill. Discussion ensued on this legislation.

VII. New Business:

A. Attorney Contractor Agreements.

An agreement between the Board of Election Commissioners for the City of Chicago and Reiter Burns for work involved with the *Segovia v United States* litigation. The term would be from June 1, 2018 to completion of the Supreme Court appeal, at a rate of \$295/hour including reasonable expenses for outside experts if necessary as approved by the Board or General Counsel if necessary. Commissioner Swain asked for an estimated term of litigation. Mr. Lasker was not sure. It probably won't be heard until next session. We have been ordered to file response. That is why Mr. Lasker requests the assistance of outside counsel that are very thorough in court procedures and brief formatting rules. Mr. Lasker pointed out that it is difficult to find a firm that has staff with Supreme Court experience and litigation, and Reiter Burns is charging us the same rate as they have at the District Court level for Supreme Court. The contract does give the Board the ability to switch counsel by terminating this contract and entering into a separate agreement with other counsel. All of our contracts have cancellation clauses. Commissioner Kresse moved to approve the agreement. Commissioner Swain seconded the motion. The motion passed by unanimous vote of the Board.

An agreement between the Board of Election Commissioners for the City of Chicago and Lasker Law, LLC (General Counsel) specific to Adam Lasker to serve as the General Counsel as directed by the Board, the Commissioners and the Executive Director. The term of the contract is from July 1, 2018 to June 30, 2019 at the rate of \$250/hour and includes reimbursement for reasonable travel and expenses. The Chairwoman stated that Mr. Lasker had the task of filling gigantic shoes and he has done so superbly. He has risen to the challenges. The Chairwoman is very happy that Mr. Lasker came here and expressed hopes that we continue this relationship for a very long time to come.

Commissioner Kresse concurred with the Chairwoman, stating that if this were a swimming lesson we dropped Mr. Lasker into the deep end of the pool. Commissioner Kresse stated that while the Board thought that Mr. Lasker would do a great job, he has surpassed all expectations.

Commissioner Swain moved to approve the agreement as stated. Commissioner Kresse seconded the motion. The motion passed the agreement was approved by unanimous vote of the Board.

An agreement between the Board of Election Commissioners for the City of Chicago and Joan T. Agnew, Attorney at Law for Legal Counsel for the term of June 1, 2018 through May 31, 2019 at the rate of \$250/hour and reimbursement for reasonable travel and expenses.

The Chairwoman noted that Ms. Agnew has been with us for a number of years. She is another indispensable person.

Commissioner Kresse moved to approve the agreement, Commissioner Swain seconded the agreement and the agreement was approved by a 3:0 vote of the Board.

B. Professional Services Agreement.

The Chairwoman asked if all of these are agreements that we have renewed from year to year. Mr. Gough replied in the affirmative. The Chairwoman asked, as to any changes to any of these agreements. Mr. Gough responded that there were no changes to these agreements. In responding to an inquiry from Commissioner Swain, Mr. Lasker stated that on a couple of these agreements salary caps were raised, but not the rates because we have 3 elections during the terms of the agreements.

Professional Services Agreement with Dean Ftikas: term of July 1, 2018 through June 30, 2019 at a rate of \$65/hour not to exceed \$70,000. Commissioner Swain moved to approve the agreement. Commissioner Kresse seconded the motion. The motion passed by a 3:0 vote of the Board.

Professional Services Agreement with JPA Consulting Group, Inc. – July 1, 2018 through June 30, 2019 \$12,500/month to perform media and public relations, strategic planning, community outreach and related communication services as directed by the Board. Commissioner Kresse moved to approve the agreement. Commissioner Swain seconded the motion. The motion was passed and the agreement approved by unanimous vote of the Board.

Professional Service agreement with Guillermo Perez for a term beginning July 1, 2018 through June 30, 2019 at a rate of \$50/hour not to exceed \$90,000 To Assist and advise the Board on issues related to the Board's responsibilities under Section 203 of the Voting Rights Languages Assistance Act to provide voting information to members of the Spanish-speaking community in the City of Chicago and act as the Board's liaison to the Hispanic Advisory Committee. Commissioner Swain moved to approve the agreement. Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board.

Professional Services Agreement with Gary M. Ryczyn: term of the agreement is July 1, 2018 through June 30, 2019. Mr. Ryczyn will serve as the ballot preparation specialist to the Board, attend the many meetings with Dominion Voting Systems, ballot layout, Supervise print orders and Quality Assurance and be responsible for final ballot layout., as assigned by the Executive Director at a rate of \$65/hour not to exceed \$100,000. Motion to approve the agreement was made by Commissioner Kresse and seconded by Commissioner Swain. The motion was passed by unanimous vote of the Board.

Professional Services Agreement with Sarita Villarreal: Agreement will commence on July 1, 2018 and expire on June 30, 2019. Ms. Villarreal will assist and advise the Board on issues related to the Board's responsibilities under Section 203 of the Voting Rights Languages Assistance Act to provide voting information to members of the Spanish-speaking community in the City of Chicago, act as the Board's liaison to the Hispanic Advisory Committee and the Spanish speaking media at a rate of \$35/hour not to exceed \$70,000. The motion was made to approve the agreement by Commissioner Swain, Commissioner Kresse seconded the motion. The motion was approved by a 3:0 vote of the Board

Professional Services Agreement with Shobhana Johri Verma: term to begin July 1, 2018 and end on June 30, 2019. Ms. Verma will assist and advise the Board on issues related to the Board's responsibilities under Section 203 of the Voting Rights Languages Assistance Act to provide voting information to members of the Asian-Indian speaking community in the City of Chicago, act as the Board's liaison to the Asian-Indian community and media. The rate of the agreement shall be \$45/hour not to exceed \$90,000. Commissioner Kresse moved to approve the agreement. Commissioner Swain seconded the motion and the Board passed the motion by a 3:0 vote of the Board.

C. Lease Agreements

Thirty-six (36) Month Lease Agreement with Pitney Bowes for a second Send Pro 3000 Mailing System; for \$19,273.80 for the entire 3 years, billing on a quarterly basis.

Purchasing Agent Lorel Blameuser explained that this is a lease of a second piece of equipment used when we send/receive Vote by Mail ballots. It is needed because of the increased popularity of Vote by Mail. We will be retuning a piece of equipment that has not proven to be to our advantage - the ballot extractor equipment. What we intend to do is take the monies we had allocated for the ballot extractor and apply it the second Pro 3000 mailing system

Commissioner Kresse moved to approve the agreement. Commissioner Swain seconded the motion. The motion was approved by unanimous vote of the Board.

Thirty (30) Month Contract Renewal Lease Agreement with Neopost for Omation 306 Enveloper (Letter Opener).

Purchasing Agent Blameuser explained that this is for a letter opener to expedite the processing and taking count of the mail and will take the place of the mail extractor. The mail extractor was a multifunctioning device that required more manpower to operate. The opener will be faster and more efficient.

Motion to approve a 30 month agreement from November 24, 2018 through May 23, 2021 in the amount of \$16,685 was made by Commissioner Kresse and seconded by Commissioner Swain. The motion was approved by unanimous vote of the Board.

Sixty (60) Month Lease Agreement with Canon/Oce for Oce Color Wave 500 Equipment.

This is an updated version of what we currently have in Districts/Boundaries for map printing. This is the plotter that produces the maps that we use throughout the year. This equipment can also be enhanced to print signs and cut the costs on emergency printing. It will replace two pieces of equipment.

Commissioner Kresse asked if Ms. Blameuser sees any technologies on the horizon that will make this equipment obsolete during the 5 year agreement. Her response was that new equipment allows for upgrades. Mr. Allen added that this system has more current features, including a clean adhesive for signs that won't leave residue on the walls at polling places. Mr. Gough pointed out that we are going to need it with City redistricting. Mr. Lasker agrees that it is upgradable and that details are in the support documents.

Commissioner Kresse moved to approve the lease agreement for a term beginning June 12, 2018 and expiring June 11, 2023 in the amount of \$980/month for a total of \$54,480 over the term of the lease. Commissioner Swain seconded the motion. The motion was approved by unanimous vote of the Board.

VIII. Legal Report (General Counsel Lasker)

- The Segovia case was discussed earlier in this meeting.
- Regarding a Supreme Court decision that came down yesterday. The Supreme Court upheld the State of Ohio's procedures for scrubbing voters from rolls based on a lack of voting. People have been calling the Chicago Board inquiring about how this decision affects Chicago. Under the federal National Voters Act there are procedures that must be followed before removing voters from the rolls. In Ohio the election authorities send a notice to voters who have not voted in an election informing such voters that if they don't vote in the next election they will be removed from the rolls; this is the procedure the Court has upheld. In Chicago, we do not send a notice until a voter has not voted in 4 election cycles (2 federal elections) and this notice asks the voter to contact us or their registration *may* be cancelled. The Board will then remove a voter from the rolls if the voter does not respond to this notice or the notice is returned to us by the USPS as undeliverable (on a forward able mailing), and if the voter does not vote at the next election.

Mr. Lasker also noted that Hearing Officer Joe Morris brought to his attention an Indiana District Court case ruling issued the day before the Ohio Supreme Court case. In the Indiana case the court is adjourning Indiana from removing voters from its rolls. However, unlike Ohio, Indiana does not send notices to voter.

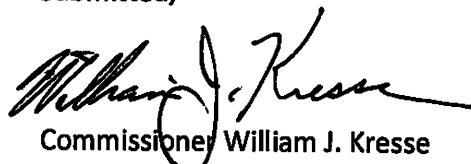
IX. Financial Report: None

X. Public Comment: None

XI. Executive Session: None

XII. Adjournment: Commissioner Swain moved to adjourn until the next scheduled Regular Board meeting of June 26, 2018. Commissioner Kresse seconded the motion. The motion was approved by a 3:0 vote. The meeting was adjourned at 10:42 a.m.

Submitted,


Commissioner William J. Kresse
Secretary